82-1344

Office-Supreme Court, U.S.
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ALEXANDER L. STEVAS,
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1982

Mrs. Dorothy Cele, pro se
Petitioner

v.

Alfred R. Kinney, Esq. and
Horowitz, Bross & Sinins
Respondents

PETITION FOR WRIT OF CERTIORARI TO THE SUPERIOR COURT APPELLATE DIVISION

CIVIL
Docket A-3271 81T1
Docket 20,150

Mrs. Dorothy Cele
Divine Tracy Hotel
20 South 36th St. (707)
Phila. Penna. 19104
(215) 382-4310

Federal Question

United States Supreme Court

Can the necessities of
Res Adjudicata be waived?

Whether the court has
jurisdiction or not?

Supreme Court of New Jersey

Is legal injury the
cost of daily living?

Superior Court Appellate Division

Whose right has been
violated? Was the
court correct or not?
Did the court err
under R. 4:50-1(c)?

Validity of a proceeding under

the authority of the Unites States

28 U.S.C. 1257 (3)

(Cele pronounced Sealey)

Case Presented

Constitutional Procedure

1. There is no more important word in the constitution than jurisdiction.

Jurisdictional Inquiry

2. Whether the court has jurisdiction or not?

Jurisdictional Duty

3. A court is bound by its record to prevent usurpation.

Jurisdictional Error

4. Abuse of discretion divests jurisdiction.

Usurpation by the Judiciary

5. The plaintiff, Mrs. Dorothy Cele has waived none of her rights.

Case Presented Continued

Beyond Jurisdiction

6. Denial of appealable judgment or order procured by the defendants for failure of the court of first instance to protect the state and its mandatory record filed 8/27/79.

Selective Enforcement

7. The case is open and active. There is no stipulation of dismissal. There is no judgment. There is no order. There was no trial. Perfection of Appeal is an impossibility. out-of-time. Technicality. Jurisdiction.

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124

Law Cited

United States Supreme Court

McAllister v. Kuhn 96 U.S. 87 1877

Fatal Defects cannot be waived.

State Statute

Attorneys may be sued as other persons in all courts of this state. N.J.S.A. 2A:13-2.

Opinions Cited

1. Chief Justice Hazelrigg..... 47
107 Ky. 419 1899

2. Judge Frank..... 52
92 Fed. Supp. 218.

3. Mr. Justice Field..... 50
93 U.S. 274 1876

4. Hon. Fred C. Lamm,C.J..... 54
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5. Chief Justice Trenchard..... 53
85 N.J.L. 632 1914

6. Richard, J., pro tem..... 57
192 Cal. 528 1923 93 C 321

7. U.S. Constitution Article 6.. 59

8. U.S. Constitution.....58
Fourteenth Admendment

9. Primer of Principles

Table of Cases

Superior Court

Civil Liability

138 N.J. Super. 233 App. Div. 1975

140 N.J. Super. 476 App. Div. 1976

Professional Liability

126 N.J. Super. 577 App. Div. 1974

145 N.J. Super. 234 App. Div. 1976

Pecuniary Injury

80 N.J. Law 152 App. Div. 1910

92 N.J. Law 631 App. Div. 1918

Continuing Damage

43 N.J. Misc. 13 1924

85 N.J.L. 32 1879

Table of Cases

Superior Court Appellate Division

Jurisdiction

115 N.J.Super. 224 App. Div. 1971

74 N.J. Super. 608 1901

R.2:8-1(a)

Leading Interrogation

75 N.J.Super. 584 App. Div. 1962

Objections & Exceptions

85 N.J.L. 632 App. Div. 1914

Malconduct

165 N.J.Super. 211 App. Div. 1978

43 N.J.Law 667 1881

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Superior Court Appellate Division

Joint Liability

175 N.J.Super. 26 App. Div. 1980

Six Cent Damages

92 N.J.L. 631 App. Div. 1918

Estoppel

140 N.J.Super. 517 App. Div. 1976

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State Supreme Court

Jurisdiction

126 N.J. Super. 577 App. Div. 1974

Judicial Annullment

1 N.J.L. 400 1795

97 N.J.L. 468 p. 469

Technicality

7 N.J. 81 1951

Opinion Below

1. Superior Court Appellate Division
   6/12/82 unreported.

2. Supreme Court of New Jersey
   11/12/82 unreported.

3. Four Orders entered in the case
   filed in Appendix A-B-C and D.

4. Delinquency Notice - Supreme Court
   Re: Alfred R. Kinney, Esq.
   9/10/82 filed Appendix E.

Petitioners Comment

-To hold that one may waive
her right to due process is
logically waiving of the record.

Jurisdiction

1. The order of the Supreme Court of New Jersey was filed on 11/12/82.

2. The jurisdiction of this court is invoked under 28 U.S.C. 1254 (1).

3. By Writ of Certiorari granted upon the petition of any party to any civil or criminal case before or after resolution of judgment or decree.

Statement of the Case

Jurisdiction of the subject

matter cannot be waived.

Statement of the Case Continued

Whether a judicial act in a court of first instance which disallows legally entitled rights and fails to protect the state and its mandatory record, and plainly indicates its adverse judicial act and its reason therefore, appearing of the statutory record is unconstitutional and is beyond jurisdiction conferred by the mandatory record and is an arbitrary act against which courts afford relief?

Statement of the Case Continued

Whether a judicial act in a court of first instance which fails to protect its record is blind to the interest of the state whose interest invokes consideration above and beyond the interest of the parties is inadequate guidance to a court of first instance by an overbroad statute involving legally entitled rights and is a danger in a court of first instance?

Statement of the Case Continued

1. It is all impersonal. The mandatory record filed by the plaintiff on 8/27/79 did victoriously withstand the defendants and on 6/1/81 the mandatory record did rise in victory. (Admission of Liability)

2. In a nice manner on 6/1/81 in Essex County Courtroom 914 Alfred R. Kinney, Esq. and Horowitz, Bross & Sinins were both caught by the New Jersey State Code of Justice. (Equal Division/Joint Liability)

Statement of the Case Continued

3. On 6/1/81 in abnegation of judicial responsibility vested by the constitution the court of first instance disallowed the plaintiff's legally entitled rights and obtained a champertous agreement in the defendants favor. T5-4.

4. The defendants consented to the judicial act without objection in the statutory record dated 6/1/81 and the judicial act voluntarily conferred an advantage upon the plaintiff just the same. T2-22 T2-23. (Equal Division/Joint Liability)

Statement of the Case Continued

5. The statutory record of 6/1/81 shows that it is the defendants who requested (unknown to the plaintiff) an interview with the court in chambers and that interviewing of counsel separately is ill-advised. T5-16.

6. That the court then next summoned the plaintiff who was seated in open court waiting for her turn to approach the bar in open court into chambers after her adversaries and told the plaintiff herself before the fact that her case had a fatal defect in it.

Statement of the Case Continued

7. The statutory record shows that the court waived fact, figure and principle in chambers and that an objection was squarely made by the plaintiff in chambers and disallowed by the court in chambers. T3-23.

8. Research shows that there was no "option" before the plaintiff on 6/1/81 and that the option set before the plaintiff by the court on 6/1/81 is illegal. T3-1 The pleadings cannot be waived.

Statement of the Case Continued

9. The statutory record of 6/1/81 shows that the court waived its mandatory record in chambers and boasted of it in open court when it said: "notwithstanding that" T3-24.

10. The statutory record of 6/1/81 shows that the court waived its mandatory record in open court when the plaintiff said: "that statement would be correct" T4-4 and the plaintiff's exception passed without judicial reconsideration of its own judicial act.

Statement of Case Continued

11. On 6/1/81 in Essex County Courtroom 914 the plaintiff intended to sign the release upon receipt in the mail for the sum of $.00 in self-respect.

12. At no time on 6/1/81 did the plaintiff intend to touch a penny of the sum of $250. The sum of $250. is not the plaintiff's money. The sum of $250. is blood money. Who would have such gain?

Statement of the Case Continued

13. Upon discovery of advantage the plaintiff got rid of the judicial act irrespective to gain by mailing a certified twenty page Letter of Statement to the court itself in disaffirmance by the plaintiff for the benefit of one and all.

14. The plaintiff mailed a copy of the twenty page Letter of Statement to the Clerk of Superior Court, all counsel of record and to all those concerned.

Statement of the Case Continued

15. Upon receipt of the plaintiff's twenty page certified Letter of Statement dated 7/17/81 certified number 619936 the court itself sat silent and failed to bring the parties back to courtroom 914 to correct its own judicial act from the start.

16. Under the direction of the court T5-4 the plaintiff continued on through every conceivable erroneous and detrimental opposition and upon discovery of denial of appealable judgment or order and further procurement of the judicial act by the defendants the plaintiff repudiated the whole transaction.

Statement of the Case Continued

17. On 6/1/81 in Essex County Courtroom 914 I came to do What I came to do. Alfred R. Kinney, Esq. and Horowitz, Bross, & Sinins cannot "give" me anything. Mathematical Law is my shepherd I shall never want.

18. On 6/1/81 I added to the net value of the universe. I moved the above entitled ponderposity to the good of the whole world without legal accoutrement and with a fatal defect in a self-regulated profession.

Statement of the Case Continued

19. On 6/1/81 the New Jersey State Code of Justice helped me when I could not help myself. Thanks to the power that administers justice the defendants adjudged themselves wrinkled and liable.
(Equal Division/Joint Liability)

20. In a matter of months since the judicial act of 6/1/81 the defendants committed the same offense to the letter by jilting each other again in the New Jersey State Supreme Court on 9/10/82.
(Equal Divsion/Joint Liability)
Delinquency Notice Appendix E.

Statement of the Case Continued

21. In the matter of personal injury which occurred 2/22/77 during which surgery occurred five times Alfred R. Kinney, Esq. and Horowitz, Bross & Sinins concealed the contents of the entire file.

22. Alfred R. Kinney, Esq. and Horowitz, Bross & Sinins fail to master their own economic situation. Alfred R. Kinney, Esq. and Horowitz, Bross & Sinins are legally responsible to make my purse whole.

Statement of the Case Continued

23. This complaint has been filed with the District Fee Arbitration Committee V, the District Ethics Committe V, the Superior Court the Appellate Division, the State Supreme Court and the District Ethics Committee VII and it is yet unheard.

24. There is and there always will be some form of public prosecution for legal injury. "If the case is too hard for them bring it to me and I will hear it." Moses

Statement of the Case Continued

25. Alfred R. Kinney, Esq. made no effort to reach a conclusion in a matter of personal injury, kept every cent he could from me for 24 months, swindled the sum of $3,260 in blood money from the claim causing me to return to work again and again unhealed and uncured in the presence of ready benefits until unable to continue.

26. ARK kept the claim in error and delay with excuses and untrue representations, replaced work with rhetoric, indulged in dilatory tactics, failed to communicate, concealed documents, failed to write a single letter of his volition to any party to the claim in 24 months, inflated his cost and acted only under necessity of penalty an abomination in the extreme.

Statement of the Case Continued

27. In hardship and two years of illegal delay, I dismissed Alfred K. Kinney, Esq. on 1/25/79. I fired Horowitz, Bross & Sinins on 3/7/79 for falsehood to Liberty Mutual and still they mispractice.

28. 45 days later on 4/20/79 Liberty Mutual opened its hand to me unsought to take what I require. in economic honesty to prevent pecuniary loss to me in absence of legal care for 26 months in a matter of personal injury.

Statement of the Case Continued

29. Horowitz, Bross & Sinins held out as expert failed to take curative action to correct the neglect of Alfred R. Kinney, Esq. concealed liability of both and failed to complete the services hired for and without a minute of honest work or a cent of honest cost overreached the itemized fee the sum of $3,265.81 on 4/23/79.

30. I went to the Legal Aid Office and was referred there to the District Fee Arbitration Office V I was further advised by Legal Aid upon computing of the figures not to endorse the draft. On 6/4/79 I filed a Complaint with the DFAC for overreaching $3,265.81.

Statement of the Case Continued

31. The District Fee Arbitration Secretary contacted the HBS office and as a result I received a letter dated 6/12/79 from Alan Y. Hedvin, Esq. in which the itemized fee was reduced from $11,963.50 to $8,698.69 thanks to Joseph A. Bottitta, Esq. Secretary of the DFAC V.

32. I notified the DFAC office that the draft remained unendorsed pending DFAC procedure to completely solve the problem. HBS held the draft in all around silence for two weeks.

Statement of the Case Continued

33. The DFAC office fell silent. In absence of DFAC procedure or response from the respondents within ten days as regulation requires, I went to the DFAC office to inquire on 6/27/79. Joseph A. Bottitta, Sec. telephoned Alan Y. Medvin, Esq. of HBS and requested on the telephone that the Arbitration Letter dated 6/27/79 be written.

34. I went to the HBS office on 6/27/79 as directed by Joseph A. Bottitta, Sec. and Alan Y. Medvin, Esq. fired for falsehood for the betterment of his conscience wrote a false false Arbitration Letter dated 6/27/79 which exposed the offenses and falsehoods of ARK and HBS.

Statement of the Case Continued

35. The DFAC remained silent for 365 for 365 days and acknowled no mail as regulation requires. I never received responses from the respondents from the DFAC office in the complaint filed 6/4/79.

36. I further discovered on 7/12/79 that ARK inflated his cost and that HBS had no cost as represented. and they left the claim with the bills to pay. At further postponement of recouperation of self and circumstance I filed a Civil Complaint pro se on 8/27/79. Appendix G.

Statement of the Case Continued

37. On 11/2/79 in Essex County Superior Court the Court said, "Mrs. Cele the District Fee Arbitration Committee will take of it". I said, "No. No they won't". The court granted leave to file an Amended Complaint on 11/2/79.

38. On 11/30/79 Alan Y. Medvin, Esq. as representative counsel for ARK and HBS failed to appear in Essex County Superior Court and telephoned an excuse to the court instead.

Statement of the Case Continued

38. The District Fee Arbitration Office continued in silence contrary to regulation for eight months. In the interest of all concerned I telephoned the DFAC Office January 1980 and was told to call back. On the second call I was informed by Joseph A. Bottitta, Sec. that the case had "just" been sent to the office of William C. Connelly, Esq.

39. William C. Connelly scheduled a DFAC hearing for 1/29/80. The respondents adjourned it. Appendix H-I.

Statement of the Case Continued

40. William C. Connelly, Esq. scheduled a DFAC hearing for the second time. The respondents adjourned the second hearing. The District Fee Arbitration Office V remained completely silent. Appendix J.

41. In civil procedure ARK and HBS defaulted throughout, failed to timely file an answer to the Amended Complaint, set aside an Entry or Default without stating a Meritorious Defense, failed to set forth a defense in law, litigated by the exhaustion method and resorted to anything to escape accountability to authority.

Statement of the Case Continued

42. In the absence of any and all legal enforcement I filed an ethics complaint with the District Ethics Committee Office V in April 1980 with Richard L. Bland, Jr., Secretary.

43. In absence of due process I spent one full day in June 1980 on the telephone dialing social service agencies and referrals until I dialed an attorney in Glouster County who said to me, "The state does not want you running around like that. Write to Robert D. Lipscher".

Statement of the Case Continued

44. I wrote and mailed a letter dated 6/5/80 to Robert D. Lipscher, Administrative Director of the Courts. As a result I received a letter dated 6/12/80 from Richard J. Englehardt, Esq. staff attorney. Appendix K.

45. As a further result thanks to Richard J. Englehardt, Esq. I received a four-page twelve paragraph letter dated 6/27/80 from Roger H. McGlynn, Chairman of the District Fee Arbitration Office V. Appendix L.

Statement of the Case Continued

46. Upon administrative inquiry at my request RHM Chairman scrambled to explain a 365 day DFAC V silence to the Admin. Office in his letter dated 6/27/80 which was exactly 365 days tardy from the DFAC V Arbitration Letter dated 6/27/79. RHM wrote that upon admin. inquiry he was in receipt of "boxes" (9X12business envelope box) of my mail (all unanswered) and RHM Chairman used my unacknowledged mail in recitation in self-rescue and his letter itself shows absence of DFAC V timeliness, absence of DFAC corrective correspondence, absence of DFAC prior referral to its chairman and absence of DFAC V respect for its chairman as duty requires.

47. Roger H. McGlynn, Chairman himself established in his letter dated 6/27/80 that ARK and HBS are legally obligated for legal damage resulting from legal injury a favor for the asking.

Statement of the Case Continued

48. RHM further wrote the following sentence in his letter dated 6/27/80: Judge Thompson through his secretary advised the panel that he proposed to continue the proceedings before him. In relief and security that the case would be heard in Superior Court as promised in the DFAC V letter dated 6/27/80, I withdrew my ethics complaint filed with the DEC V on 4/1980 by letter dated 7/31/80 (p.27). Appendix N. I received a letter dated 10/9/80 from Richard L. Bland, Sec. DEC V in acknowledgement of my letter withdrawing the DEC V Ethics complaint of 4/1980. Appendix O.

49. In civil orocedure, the defendants failed to appear on 11/30/79, failed to timely file an answer to the Amended Complaint, set aside an Entry of Default without stating a Meritorious Defense on 2/8/80, removed paper clip markers from documents in a secret way during inspection of the file, filed a motion returnable 6/13/80 that I name an expert witness or in the alternative such expert not be permitted to testify.

Statement of the Case Continued

50. I discovered in court on 6/13/80 that the defendants were communicating with the attornies I sought to engage. In civil procedure both defendants filed a jury demand on 10/15/79 and on 12/18/79 and in court on 6/1/81 both defendants asked my consent to waive the jury. On 6/1/81 in Essex County Courtroom 914 the court elected to disregard its due process record and built a record of its own in favor of special interest. Appendix F.

51. At home I began typing a letter to the court itself stating that the defendant Alfred R. Kinney, Esq. need not send the sum of $250. to me for it would only necessitate that I return it. Each word typed verified itself and the letter expanded page by page. I received the release in the mail from the defendants. I continued to type the letter. I received an unprecendented second letter from the defendants requesting the release. I rewrote and retyped the letter into the form of a 20 page statement in disaffirmance of of the whole release.

Statement of the Case Continued

52. I mailed the 20 page statement to the court itself by certified mail dated 7/17/81 and a copy to the Clerk of Superior Court CMRRR 9732457, all counsel of record and all those concerned. The court itself (having lost full control over itself) failed to act for the good of each and all of us in seeming affirmance that the case was closed.

53. Under the direction of the court of 6/1/81 (T5-4 "she cannot try the case"). I mailed a notarized letter of complaint against ARK and HBS to the District Ethics Committee office V of the Supreme Court of New Jersey by certified mail on 8/21/81 and it was duly received by Richard L. Bland, Sec. on 8/28/81. I mailed a copy to the court, to all counsel of record and all those concerned. Richard L. Bland, Sec. failed to acknowledge the complaint duly received by certified mail and any and all mail of about 300 pages in binders in 100% silence from 8/28/82 to the present date. On 2/21/82 I dispatched a mailgram of inquiry to the DEC V office. The DEC V secretary failed to reply. Appendix Q.

Statement of the Case Continued

54. On 2/26/82 I phoned the DEC V Office and the current secretary Harold Rubenstein himself answered the telephone. I asked HR if he could tell me how to file an ethics complaint. HR explained to me exactly how to file. I said to HR, "If that is the way to file, why haven't you answered my mail?" His end of the line went silent. I said, "This is Mrs. Cele".

55. HR said, "Mrs. Dorothy Cele?". And in addition to reciting my full name from memory, HR further recited my place of residence from memory. HR collected himself and shifted the responsibility which he is duly employed to the former secretary, Richard L. Bland who HR replaced sometime in the interim between 8/21/81 and 2/26/82. I questioned HR then as to his failure to answer my mailgram of inquiry of 2/21/82 as well as any and all mail including 300 bound pages from 8/28/81 to 2/26/82 as regulation requires. HR said that Richard L. Bland told him to tell me that the case had been heard and dismissed by the committee.

Statement of the Case Continued

56. I asked HR how that could be when I had not received a single word at all. HR as duly employed secretary said, "I'm pretty sure that is what he told me". In absence of a single word in 7 months, I asked HR if he would write a letter of information to me. HR said, "When I get to it". I said to HR already in 7 months of delay, "Could you write it early next week?" In shifting of all duty Harold Rubenstein, Sec. said, "Call Robert Carney". (Trenton, N.J.). I never heard a word from HR in answer to my telephone inquiry from 2/26/82 to the present date.

57. From 2/26/82 to 3/5/82 I dispatched fifteen straight mailgrams to the authorities in Trenton. As a result I received two letters dated 3/5/82 and 3/6/82 from David E. Johnson, Jr., Esq. Chief of Ethics and Professional Services located in Trenton, N.J. DEJ enclosed the "contents" of the administrative file in his letter dated 3/6/82 in continuing obstruction of justice and instead opened the door to truth even against his own will.

Statement of the Case Continued

58. Instead, I discovered from two of the documents enclosed by DEJ that the DEC V practiced a fraud upon the Administrative ffice of the Courts in Trenton on 8/28/81 by fraudulently filing the two documents dated 7/31/80 and 10/9/80 and failing to file the ethics complaint duly received by Richard L. Bland, Sec. on 8/28/81. (p.33).

59. I notified David E. Johnson at once of the fraud and in reply DEJ dared to quash a matter entrusted to him. DEJ wrote advising that I not contact other authorities and he requested that I only contact him and then David E. Johnson himself fell silent with his work undone. So, I dispatched another batch of mailgrams to the authorities in Trenton. I telephoned the Superior Court Clerks office office and was referred to the appellate court. I discovered in the docketing procedure that the case was open and active. I filed a Notice of Appeal 3/23/82.

Statement of the Case Continued

60. As a result of the second batch of mailgrams dispatched to the authorities in Trenton, I received another letter from DEJ in which he disregarded the facts presented and wrote in role reversal that I "prove" the fraud. The matter was already proven by the states own metered time clock, the states own administrative file, the states own Chief of Ethics and by over 300 pages of mail in nine binders concealed in the DEC V office and all conspicuous by its absence.

61. After having already mailed 300 pages to the DEC V office, at further postponement of recouperation of self and circumstance I prepared and mailed on 6/14/82 a binder containing 99 pages of proof including twelve certified receipts in a mailing bag addressed to Robert D. Lipscher to to prevent further misconduct by DEJ and further contact with David E. Johnson, Jr.

Statement of the Case Continued

62. Upon receipt of the 99 page binder in Trenton mailed 6/14/82, I received a dishonest letter dated 7/15/82 in which he DEJ dared to represent that the complaint of 8/21/81 might be "misplaced" in the DEC V office and further that I forget my time, energy, effort and property concealed since 8/28/81 and file a third complaint. Appendix R.

63. The complaint of 8/21/81 is one thing, the concealment of the complaint of 8/21/81 by David E. Johnson and his counterparts in the DEC V office is another. On 1[illegible]/1/82 11/2/83 I mailed an ethics complaint against David E. Johnson, Jr. to the District Ethics Committee Office VII of Mercer County. Daniel F. O'Connell, Secretary answered all mail promptly and sent a carbon copy of all mail sent and received to his DEC VII chairman, John J. Trombadore in respect for himself and his chairman. Appendix S-T. Daniel F. O'Connell, Sec. referred the matter to Colette A. Coolbaugh, Esq. Assist. Dir. of Ethics by letter dated 11/5/82. Appendix U.

Statement of the Case Continued

64. As a result of the referral by DFO, I received a letter dated 11/29/82 from Colette A. Coolbaugh, Esq. which was so illegal that it seemed that Daniel F. O'Connell, Sec. had withheld the 16 page detail statement of case dated 11/2/82 from her. Appendix V. I noticed that DFO omitted all mention of the 16 page accompanying statement of case in item six of his list in his cover letter dated 11/5/82 (p.119).

65. So, I xeroxed another copy of the 16 page statement of case dated 11/2/82 for hand delivery myself to Colette Coolbaugh herself. Because of my experience with District Office secretaries in this matter, I could not believe that Daniel F. O'Connell, Sec. could be more ethical than Colette A. Coolbaugh. On Monday 12/6/82 when I arrived at the admin. office by 9:00 a.m. train to Trenton, Colette A. Coolbaugh had not reported to work.

Statement of the Case Continued

66. I was shown a foyer chair by her secretary Paulette Davis and while waiting, PD dialed Richard J. Englehardt, Esq. (p.28) his line was busy. PD then called David E. Johnson, Jr. himself to the foyer. DEJ came to the foyer and proved himself to have a vested interest in my own complaint as he refused to administer to the complaint of 8/21/81 in particular and DEJ went so far as to tell me in further fraud, that if I would file a third complaint, he himself would xerox from my copies the 300 pages cone concealed in the DEC V office. I refused.

67. PD left her foyer desk momentarily on other business in the main office. During her absence a person entered the foyer from the outside at about 9:45 with her wraps and ma made a right turn to the inside main office. I said to DEJ, "Was that Colette Coolbaugh?" DEJ said, "Yes". I said, I want to speak with her". David E. Johnson left the foyer to get Colette Coolbaugh. During the absence of DEJ, PD returned to her foyer desk. While still seated and waiting for CAC, Richard J. Englehardt, Esq. entered the foyer in answer to the call from PD.

Statement of the Case Continued

68. I thanked RJE for his honest letter dated 6/12/80. Appendix L. I expressed to RJE how important his letter had been. RJE accepted the thanks and returned to his office. I told PD that DEJ had gone to get CAC. PD said, "She is not in". I said, "Yes she is. She came in when you left the desk". I asked PD to describe CAC. PD said that CAC was shorter and smaller than herself. After awhile DEJ returned to the foyer with CAC his subordinate in administrative rank at his
69. side. They had talked. I stood up and removed the 16 page statement of c se regarding David E. Johnson from from a manila envelope and handed it to CAC. I explained to CAC that I was hand-delivering it to her because it did not seem from her letter dated 11/29/82 that she had not recd. her copy from Daniel F. O'Connell, Sec. and that I withdrew an ethics on 7/31/80 under the security of the DFAC letter dated 6/27/80. Appendix M. I sat down. CAC flipped a few pages. CAC said, have to file another complaint". I stood up. I told CAC that she hit the nail on the head because that is exactly what I did on 8/21/81 by certified mail.

Statement of the Case Continued

70. CAC could say nothing. CAC looked at DEJ. From about 9:30 to about 11:30 DEJ and CAC insisted that they would do nothing regarding the complaint of 8/21/81 regardless. I realized that it was the right thing to do to have traveled to Trenton on my own initiative to see for myself the measure of DEC and CAC in person. Colette A. Coolbaugh, Esq. said,

71. "What did it get you to file an ethics complaint against Mr. Johnson?" I stood up and said eye to eye to CAC who was in front of my foyer chair, "It got me standing here". Because I will not believe what they want me to believe, DEC and CAC left the foyer together in attempt to prove their falsehood, saying they were going to the file. They returned together waving four documents from the administrative file. They handed the documents to me and I discovered in person that the documents were fraudulently filed as charged and worse a big administrative by David E. Johnson and Colette A. Coolbaugh, Esq.

Statement of the Case Continued

72. David E. Johnson said nothing would be done about it and that I could (just as well) file another (third) complaint. DEJ left the foyer. Colette A. Coolbaugh asked for the documents back from me. I would not give them to her. They were brought to me for my inspection and I intended to inspect them. CAC tried to take the documents from me. CAC said, "Mrs. Cele I am giving you my time " Not so. Her letter dated 11/29/82 withheld time from everyone in the state she is hired to serve and every word she spoke on 12/6/82 was spoken in the foyer and not in her office as ethic requires and that at my initiative. The efforts of CAC to stand over my chair and take the documents caused me to lean backwards and sideways in the foyer chair with the papers held behind me in my right hand. CAC demanded that I give the papers to her. CAC said, "Mrs. Cele give them to me! I would not give them to her. CAC said in referring to her secretary Paulette Davis, "Mrs.Cele I have a witness!" The truth is that we (CAC and I) have a witness.

Statement of the Case Continued

72. CAC could not take the papers from me without force or help. CAC stopped trying and left the foyer to the outside in the direction of the elevators in a fluster. I sat in the foyer with the four sets of documents on my lap. PD sat at her foyer desk. Paulette Davis asked if she could get anything for me. I said, "Just tissue". I needed the tissue to dry my tears of sagacity. I began to inspect the documents. CAC returned to the foyer from the outside and said without breaking step, "Alright you can just sit there and read them! (which is exactly what I was doing) and walked straight into her office and closed the door.

73. I inspected each document and carefully recorded the data from each on the back of an empty manila business envelope. After inspection I handed the four sets of documents to PD in two piles and requested that she attach a note to each pile indicating those fraudulently filed as charged for the return to Colette Coolbaugh who was closed off in her own office. continued

74. I left the Admin.office and walked to the Amtrak station just in time to board a train scheduled to leave Trenton a 11:30 a.m. Before departure, while seated on the train I thought to myself, "That was not Colette Coolbaugh". I stepped off the train and walked back to the Admin. Office. I entered the foyer from the outside and told Paulette Davis that I would like to speak with Colette Coolbaugh. While waiting in same foyer two building employees entered the foyer from the inside. One of the men said, "Is Colette in?" PD answered, "Yes". He said, "We want to speak with her for a minute and also inspect the telephone".

75. The two men were shown into the office of CAC. Next, CAC the same person, came out came out of the same office, into foyer as requested by PD. I told CAC that I returned from a train because I was not sure that she could be Colette Coolbaugh and that the two gentlemen ahead of me were somewhat helpful in establishing her identity. continued

76. I repeated to CAC my purpose in coming to Trenton to hand deliver the 16 page statement of case to her because from her letter dated 11/29/82 it did not seem that she had read it and that after having talked with her it still seemed that she had not read it. CAC said that she had received and read the statement of case and CAC stooped further to trifle with terms and said it was "just a chronological history" and refused to

77. investigate. I told CAC that I was not sure that she was CAC but that if she was CAC I give her a few demerits (in integrity). I left the admin. office and walked to the law library near the state house annex. With the help of the reference librarians, I found and xeroxed a state photo of Colette A. Coolbaugh, Esq. I boarded a 3:30 p.m. train leaving Trenton. Upon arrival at home, on same Monday 12/6/82, I mailed to Colette A. Coolbaugh, Esq. by certified mail #350625721 dated 12/6/82 a copy of her photograph in positive identification of herself. continued

78. David E. Johnson, Jr., Esq. and Colette A. Coolbaugh, Esq. failed to carbon copy their letters to Robert D. Lipscher, Administrative Director of the Courts. Colette A. Coolbaugh failed to carbon copy her letter dated 11/29/82 to Daniel F. O'Connell, Esq., Sec.

79. Thanks to Daniel F. O'Connell, Sec. I discovered on 12/6/82 after ten months (3/6/82 to 12/6/82) that David E. Johnson, Jr. is illegally involved in this matter. Thanks to Daniel F. O'Connell, Sec. I discovered on 12/6/82 after only seven days (11/29/82 to 12/6/82) that there was not a reason in the world to respect Colette A. Coolbaugh another minute.

Conclusion

Argument

The United States Supreme Court held in McAllister v. Kuhn that fatal defects cannot be waived.

Law Cited

By the Code of Practice of Utah the failure of McAllister to appear at the time of assessment of damages was a waiver by him of an assessment by a jury. This court has no power to re-examine the action of the territorial courts in refusing to set aside the judgment by default. We find no error in the record.

Opinion of Chief Justice Waite
McAllister v. Kuhn
96 U.S. 87 1877

Argument Continued

Point 1

1. The judicial act of 6/1/81 was false when acted upon.

Law Cited

The failure of McAllister to appear is a fatal defect which cannot be waived. The plaintiff Mrs. Dorothy Cele appeared on 6/1/81 and without spot or blemish and the absence itself of the mandatory record shows that the instant case has a judicial default in it and all else is commentary. 96 U.S. 87.

Due Process

2. Due process of law without a record cannot serve a constitutional government, a government of protection.

Argument Continued

Point 2

1. The judicial act of 6/1/81 lacks class. No one will follow it.

Judicial Opinion

When the order is obeyed the end of litigation is reached. Opinion of Chief Justice Hazelrigg Weaver v. Toney 107 Ky. 419 1899

Pleadings

2. Pleadings are the juridical means of investing a court with jurisdiction of the subject matter to adjudicate it.

Argument Continued

Point 3

1. The judicial act of 6/1/81 is a fatal defect. A disinterested judge is a fundamental right.

Judicial Opinion

Jurisdiction of the subject matter cannot be waived.

Cooper v. Reynolds 10 Walls 308

Jurisdiction

2. To hold that pleadings can be waived is to hold that the public is not interested; that consent will give jurisdiction of the subject matter.

Argument Continued

Point 4

1. The judicial act of 6/1/81 failed to protect the public weal.

Judicial Opinion

> No court can act without or out of, above or beyond its record and bind any person or thing by its judgment or decretal orders.
>
> Storey v. Ashton

Mandatory Record

2. What ought to be of record must be proved by record and by the right record.

Argument Continued

Point 5

1. The judicial act of 6/1/81 is against the law.

Judicial Opinion

For jurisdiction is the right to hear and determine; not to determine without hearing. Windsor v. McVeigh 93 U.S. 274 1876.

2. The mandatory record must speak for itself. Nothing beyond that can be decided upon by any court without usurpation.

Argument Continued

Point 6

1. The judicial act of 6/1/81 is inconvenient.

Judicicial Opinion

If the court had no jurisdiction it had no power to make a record and the supposed record is not in truth a record.

Reyonds v. Crawforu 70 NY 258 1877.

Due Process

2. The courts possess no dispensing power to enforce the requirements of due process in one instance and suspend them in another.

Argument Continued

Point 7

1. The judicial act of 6/1/81 is beyond jurisdiction.

Judicial Opinion

A litigant has right to trial and a denial of right to trial is reviewable. Although prompt dispatch of judicial business is a virtue, it is neither the sole nor primary purpose for which courts have been established. Denial of trial on disputed facts is worse than delay.
Opinion of Judge Frank
2 Fed. Supp. 218.

Record

2. In no system can the record be dispensed with.

Argument Continued

Point 8

1. The judicial act of 6/1/81 makes distinctions. The court cannot make distinctions.

Judicial Opinion

Perhaps no better form of expression can be devised to advise the judge that his ruling is to be made the subject of review than for counsel to say, I desire to note an exception.

Opinion of Chief Justice Trenchard. 85 N.J.L. 632 1914

Ab nitio

2. Nullities need not be excepted to.

Argument Continued

Point 9

1. The judicial act of 6/1/81 is in the defendants favor. A judge cannot choose his own cases.

Judicial Opinion

Since the lawgiver has said in so many words that not all error but a certain kind is reversible error it behooves a court whose function it is to enforce the written law between man and man to see sharply to it that it leads the way of setting a good example in obeying the written law on its own duty. Hon. Fred C. Lamm, C.J. Supreme Court of Missouri. 161 SW 156-57.

2. Defenses not pleaded are waived. If the defendant has a defense he should plead it.

Argument Continued

Point 10

1. The judicial act of 6/1/81 approbates and reprobates.

Judicial Opinion

If the jurisdiction of the court as to the subject matter is not impeached, the record of such judgment is entitled to full faith and credit.

Starbuck v. Murray 5 Wendell 158

1877.

Legislatures

2. Legislatures give a Code and courts slander and nullify it.

Argument Continued

Point 11

1. The judicial act of 6/1/81 in refusal to assume jurisdiction of the subject matter divested itself thereof.

Constitution

The Constitution of the U.S. Article conferred on Congress the power to prescribe the effect and mode of authenticating of judicial proceedings, as between the several states. Law of Congress 5/26/1790 Biorens & Duane's Edition vol.2 p. 210. Thomas v. Robinson 3 Wendell 268.

Due Process

2. The due process of one state is the due process of all.

Argument Continued

Point 12

1. The judicial act of 6/1/81 is legal injury to the group life.

Judicial Opinion

"As to the petitioner's second suggested remedy, vis., that of a motion to set aside such void order in the court making the same; in response to this suggestion it may be stated that it has never been the practice to require a party injuriously affected by a judgment or order of a court, which court had never acquired jurisdiction over either his person or property to make the same, to first apply to the court first making such void order and thus commit himself thenceforward to the tender mercy of the court making same." Opinion of J. Richard, pro tem 192 Cal. 528 93 Cal. 321 1923.

Due Process

2.2. The law hears before it decides.

Argument Continued

Point 13

1. The judicial act of 6/1/81 cleansed itself of the filth of the world because the universe can be bet upon every time. Betabilitarian.

Fourteenth Amendment

The Fourteenth Amendment is a guarantee against arbitrary procedure.

The State

2. Barbarous procedure pays no respect to the necessities of the state and its record for all its varied purposes but proceeds on the theory that the conduct and consent of parties litigants make the rules which may be gathered from documents.

Argument Continued

Point 14

1. If one owes 15f he cannot discharge it by paying 5f.

Article 6

> Supreme Court of the United States is the final arbiter of all controversies which involve the Constitution of the court or the meaning scope or effect of that instrument. Article 6.

2. No man can be judge in his own dispute. Ye cannot serve God and Mammon is the supreme law.

Argument Continued

1. Can the necessities of Res Adjudicata be waived?

2. Does not jurisdiction of the subject matter come from the allegations?

3. Must not the allegations, the denials and the issues be gathered from the pleadings only?

4. Are not a court and its jurisdiction principal things?

5. Can courts that deny the attitude of the state in proceedings be relied upon?

6. Are the dictates of Interest reipublicae ut sit finis neglible?

7. Is legal injury the cost of daily living?

Argument Continued

8. What may and may not be waived?

9. What may and may not be stipulated and contracted away?

10. What is material variance; and what variances are destructive of the conserving policies?

11. What is a substantial and forebidden departure?

12. What constitutes the foundation of a judgment in a government of protection?

13. What is a nullity and what is mere irregularity?

14. That the study of procdure is a study of government.

Argument Continued

15. May each court make procedure for itself?

16. What could be more dangerous and insidious than a court without a record?

17. May a court command a litigant to do what is prohibited by natural law?

18. That courts can make of themselves a hierachy if they choose?

19. That it can dispense with the record and still have due process?

20. Here let me ask if every man can be his own lawyer in such a court.

21. Is it not judicial arnachy?

22. Is not there organic law?

Summary

The admission of one defendant is competent proof against all.

A judicial act is either just or unjust.

Conclusion

The plaintiff, Mrs. Dorothy Cele has waived none of her rights.

Relief Requested

Adjudication. Judicial Justice. I cannot be prejudiced for filing for respect of right and just compensation for damage by law.

For the foregoing reasons, the Petitioner prays that the Petition for Certiorari be granted.

Respectfully Submitted,

Mrs Dorothy Cele

Mrs. Dorothy Cele, pro se

cc: Hurley & Vasios
Anthony Luongo Law Offices
CMRRR 252218236
CMRRR 252218235

Mrs. Dorothy Cele
Divine Tracy Hotel
20 South 36th St. (707)
Phila. Penna. 19104
(215) 382-4310

Appendix

(all underlining by the petitioner)

Appendix A

Order

Supreme Court of New Jersey C-185
September term 1982 20,150 On Petition
for Certification filed Supreme Court
11/12/82

To the Appellate Division, Superior Court: A Petition for Certification of the judgment in A-3271-81T1 having been submitted to this court, and the Court having considered the same;
It is ORDERED that the petition for certification is denied on costs.

Witness, the Honorable Robert L. Clifford, Presiding Justice, at Trenton, this 10th day of November, 1982.

Stephen Townsend
Clerk

Appendix B
Order

Superior Court of New Jersey Appellate Division Dkt. A-3271 81T1 Motion M-3896-81 Before Part G Dorothy Cele v. Alfred R. Kinney, Esq. et als Judges: Matthew Pressler-Petrella Moving Papers filed 5/21/82 Answering papers filed 5/21/82 Date Submitted to Court 6/16/82 Date Decided 6/18/82. This matter having been duly presented to Court, it is hereby ordered as follows: Determination of Appeal on Motion for Leave to Appeal out of time: Denied.

For the Court: Robert A. Matthews, P. .A.D. Witness, The Hon. R.A. Matthews P.J. of Part G. Superior Court of New Jersey Appellate Division. This 18th day of June 1982.

Elizabeth McLaughlin
Clerk, Appellate Div.

Filed 6/21/8

Appendix C

Order

Superior Court of New Jersey Appellate Division Docket A-3271-81T1 Motion M-3896-81 Before Part G

Dorothy Cele R. Alfred R. Kinney, Esq. et als Judges: Matthews-Pressler-Petrella Moving papers filed 5/11/82 Answering papers filed 5/25/82 Date Submitted to Court 6/10/82 Date Decided 6/18/82.

This matter having been duly presented to the court, it is hereby ordered as follows: Motion to Dismiss the Appeal Granted. For the Court: Robert A. Matthews, Presiding Judge of Part G, Superior Court of New Jersey, Appellate Division, This 18th Day of June 1982.

Elizabeth McLaughlin
Clerk, Appellate Div.

Filed 6/21/82

Appendix D

Order

Superior Court of New Jersey Appellate Division Docket A-3271-81T1 Before Part G Dorothy Cele v. Alfred R. inney, Esq. et als Judges-Matthews Pressler-Petrella Moving Papers filed 5/27/82 Ans ring papers filed 6/14/82 Date Decided 6/17/82.

This matter having been duly presented to the Court, it is hereby ordered as follows: Motion to Dismiss the Appeal Granted. For the Court Robert A. Matthews, P.J.A.D. Witness, the Honorable Robert A. Matthews Presiding Judge of Part G. Superior Court of New Jersey, Appellate Division, This 18th Day of June 1982.

lizabeth McLaughlin
Clerk, Appellate Div.

Filed 6/21/82

Appendix E

Delinquency Notice

Re: Alfred R. Kinney, Esq.

Supreme Court of New Jersey Anthony Muongo, Esq. 499 Thorrall E., N.J. 08837 Re: Cele v. Kinney, Esq.

Docket 20,150

9 copies of your brief in opposition to the petition for certification or your letter relying on appellate division brief were due August 3, 1982. 9 copies of your appellate division brief and appendix were due August 3, 1982. You must forward a $5.00 filing fee with your papers. Please forward the above papers to this office immediately!

Appendix E

Delinquency Notice Continued

Re: Alfred R. Kinney, Esq.

All Supreme Court briefs and appendices filed out of time must be accompanied by a verified petition and consent order or, if consent is not available from your adversaries, by an original and eight copies (8) of a motion for extension of time.

Note--Failure to file the required papers within seven (7) days of the date hereof will result in the submission of the petition for certification to the Supreme Court only on the basis of your opponent' briefs or such other sanctions as the court may direct.

Dated 9/10/82 Audrey Matisa

Appendix F

Transcript 6/1/81

The Court: May we have the appearances of those people that are present, please?

Mrs. Cele: Dorothy Cele.

Mr. Hurley: Daniel M. Hurley from the firm of Hurley & Vasios representing the defendants Horowitz, Bross & Sinins.

Mr. Cawley: James M. Cawley, Jr., representing Alfred Kinney.

The Court: Now, Mrs. Cele, you're not a member of the bar of the State of New Jersey, that is, you're not an attorney. Is that correct?

Mrs. Cele: That's correct.

Appendix F Continued

The Court: Now, Mrs. Cele you will acknowledge that you and I discussed this case in chambers in the presence of one of my court attendants. Is that correct?

Mrs. Cele: That's correct.

The Court: And at that time, I advised you that the attorney for Mr. Kinney, one of the defendants in the case, had

T2-22 indicated that they would settle the case for $250. I think I further indicated to you that the attorney for the Bross firm had told me that

T2-25 they would not pay any money

Appendix F Continued

The Court: on the case, so the option
T3-1 before you was to proceed with the case or to take the settlement of $250. It's my further understanding that notwithstanding the fact that you're not an attorney, you have done an extensive amount of legal research in this field, and that you do indeed have a background or some intellectual achievement and you do know that in a case like this, you need a lawyer to testify as an expert witness.

Appendix F Continued

Mrs. Cele: I feel it is a victory that I have received a settlement offer of $250. I would have accepted a six cent settlement, so yes,

T4-4 that statement would be correct.

The Court: Do you feel you have been treated fairly in court here this morning?

Mrs. Cele: Absolutely.

The Court: Do you fully understand that this is the end of the case, and it could not be opened at a latter date?

Mrs. Cele: Yes, I understand.

Appendix F continued

The Court: Now, would that statement be accurate, Mrs. Cele?

Mrs. Cele: Yes it is.

The Court: And you realize that without that legal expert to testify on your behalf that your case has a fatal defect in it? Wouldn't that be accurate?

Mrs. Cele: Yes.

The Court: And in view of that, am I correct, Mrs. Cele, that from a practical consideration you're willing to accept the settlement of $250. to dismi dismiss both of these cases,

T3-23 but you have simply told me

T3-24 that notwithstanding that you're not very happy about it?

Appendix F Continued

The Court: And the settlement that you're entering into is with your full volition?

Mrs. Cele: Yes, absolutely.

The Court: Now, Mr. Hurley, is there anything that you want to put on the record?

Mr. Hurley: Will the court require the plaintiff to sign a stipulation of dismissal with prejudice, or an order to the effect that the case is dismissed with prejudice prior to leaving court today.

Appendix F Continued

The Court: Well, the case is going to be dismimsed with prejudice subject to the settlement agreement of $250.
I mean the case has been assigned out by the Assignment Judge, and it will either be settled or tried, and Mrs. Cele understands the impediment she has.

T5-4 She cannot try the case, and is accepting the settlement so there is a dismissal with prejudice.

Mr. Hurley: Right, and the dismissal with prejudice being on

Appendix F Continued

the record, can we draw an order to that effect?

The Court: Yes.

Mr. Hurley: Thank you. T5-11.

Mr. Cawley: Your Honor, for the record, I talked to my client, Alfred Kinney, this morning, and he advised me that he was willing to offer $250. to settle this case, which

T5-16 I related to you in chambers.

The Court: All right. Mrs. Cele, that would conclude the matter, and the only comment that I would make is that perhaps you could look to the future,

Appendix F Continued

and good luck to you.

Mrs. Cele: Absolutely, and thank you ever so much to the entire court.

Mr. Cawley: Your Honor, one more point. I wanted to get a release from Mrs. Cele on the $250.

The Court: Yes. Let me explain that to you, Mrs. Cele.

Mr. Cawley: And I'll draft it.

The Court: This is regular court procedure, Mrs. Cele. Mr. Cawley will forward to you a release, and when you

Appendix F Continued

The court: sign that release and forward it to him, then at that point, you will receive back a check or draft of the $250.

Mrs. Cele: Yes.

The Court: Do you understand that?

Mrs. Cele: Absolutely.

The Court: Allright, fine. Thank you.

Mr. Cawley: Thank you, our Honor. T6-13.

Whereupon the June 1, 1981 proceeding was concluded.

Appendix G

pro se: Mrs. Dorothy Cele 336 E. Pkwy. 4 Irvington, N.J. 07111 (201)374-6337
Superior Court of N.J. Law Division: Essex County Dkt. L 64596-79 Cele v. Alfred R. Kinney, Esq. and Horowitz, Bross & Sinins Original filed 3/11/80
Re: More Definite Statement Motion 294

To: Hon. Paul B. Thompson,J.S.C. Essex County Court Newark, N.J. 07102

Dear Sir,

The plaintiff, Mrs. Dorothy Cele says that accident victims are protected by law and the attorney is never justified in the erroneous use of the law.

For misery, plaintiff says:

1. The charge is obtaining money under false pretense.

2. Failing to without justification,

Appendix G

render the legal advice and services that the attornies agreed to render and for the fee agreed upon.

Mrs. Dorothy Cele

March 11, 1980

I hereby certify that the foregoing is a true copy of the original on file in my office.
W. Lewis Bambrick, Clerk

Appendix H

Supreme Court of New Jersey District Fee Arbitration Committee For Essex County District V Mrs. Dorothy Cele 336 Eastern Pkwy. 4 Irvington, N.J. 07111 Horowitz, Bross & Sinins, Esq. 1180 Raymond Blvd. Newark, N.J.07102
Re: Cele v. V1979-57F

January 17, 1980

Dear Mrs. Cele and Gentlemen:

Please be advised that the hearing in connection with the case of Cele v. Horowitz, Bross & Sinins will be held at the offices of Riker, Danzig, Scherer & Hyland, 744 Broad Street, Newark, N.J., 14th Fl., on Tues., January 29, 1980 at 10:00 a.m.

Very truly yours,
William C. Connelly, Esq.

WCC:elm
cc: Joseph A. Bottitta, Esq.
David R. Gross, Esq.
Mr. Robert Bohrer

Appendix I

Supreme Court of New Jersey District Fee Arbitration Committee for Essex County District V Mrs. Dorothy Cele 336 Eastern Parkway 4 Irvington, N.J. 07111 Re: Cele V1979-57F

January 29, 1980

Dear Mrs. Cele,

Please be advised that the hearing in connection with the above matter scheduled for Tuesday, January 29, 1980 at 10:00 a.m. at our office has been adjourned. We will advise you shortly as to the new date.

Very truly yours,

William C. Connelly

WCC: elm

Appendix J

Supreme Court of New Jersey District Fee Arbitration Committee for Essex County District V Mrs. Dorothy Cele 336 Eastern Parkway 4 Irvington, N.J. 07111 Horowitz, Bross & Sinins, Esq. 1180 Raymond Blvd. Newark, N.J. 07102 Re: Cele v. V1979-57F

April 1, 1980

Dear Madame and Sirs:

Please be advised that the hearing in connection with the above matter scheduled for Tuesday, April 8, 1980 at 10:00 a.m. at our office has been adjourned. We will advise you shortly as to the new date.

Very truly yours,
William C. Connelly

WCC: elm
cc: Joseph A. Bottitta, Esq.
Mr. Robert Behrer
Jerome J. Graham, Jr., Esq.

Appendix K

336 Eastern Parkway 4 Irvington, N.J. 07111 Robert D. Lipscher, Esq.
Administrative Director of Courts
State House Annex R. 402 CN-037
Trenton, N.J. 08625

Re: Cele v. V1979-57F

Dear Sir, June 5, 1980

This letter concerns my experience with two lawyers in Essex County since February 1977 with respect to an automobile accident in which I was injured as a pedestrian February 22, 1977.

On May 14, 1980, I teleponed an attorney in Gloucester County who understands the human aspect of the

Appendix K

attorney/client relationship. He told me that you are the person who helps and that within the legal profession there are those who care.

I referred said matter to the District Fee Arbitration Committee on June 4, 1979 and June 14, 1979. A hearing was scheduled for January 29, 1980 and then was unexplainedly adjourned. The hearing was rescheduled for April 8, 1980 and then was again unexplainedly adjourned Since that time there has been only silence. I believe the silence to be another violation of right requiring professional inquiry beyond my

Appendix K

authority and query.

This letter is to kindly request such an inquiry into the above entitled matter. Both lawyers are represented by fellow attornies. I am unrepresented. It would be helpful for the aggregate good to have this problem solved.

Thank you kindly. Best regards.

Sincerely,

Mrs. Dorothy Cele

Enclosures
certified mail: 1608477

Appendix L

Administrative Office of the Courts

State Office Bldg. Taylor Pl. and
Capitol St. CN-037 Trenton, N.J. 08625
Mrs. Dorothy Cele v. Horowitz, Bross &
Sinins, et al. Docket Number V-1979-57F

June 18, 1980

Dear Mrs. Cele,

In response to your letter of June 5, 1980 to the Admin. Director of the Courts concerning the above fee arbitration matter, pleae be advised that I have on this date spoken with Mr. Roger H. McGlynn, Chairman of the Dist. V Fee Arbitration Committee and Mr. McGlynn has informed me that he would correspond with you concerning this matter in the near future.

Very truly yours,
Richard J. Englehardt
Staff Attorney Ethics
and Professional Services

RJE/yef
cc:RHM w/enc.

Appendix M

Supreme Court of New Jersey District Fee Arbitration Committee for Essex County District V 550 Broad St. 16th floor Newark, N.J. 07102 (201) 622-2300

Mrs. Dorothy Cele 336 Eastern Parkway Irvington, N.J. 07111 Sheldon Bross, Esq. Horowitz, Bross & Sinins 1180 Raymond Boulevard Newark, N.J. 07102

Alfred R. Kinney, Esq. 1000 Springfield Ave., Irvington, N.J. 07111 David P. Cybulski, Esq. Conway, Reiseman, Bumgardner, Hurley & Kleinfeld 50 Park Place Newark, N.J. 07102 Willette & Luongo 70 Wood Avenue S Iselin, N.J. 08830

Re: Cele v. Horowitz, Bross & Sinins, et al V-1979-57F

June 27, 1980

This matter has been referred to me

Appendix M

as Chairman of the District Fee Arbitration Committee for Essex County, District V, following the assignment of it to a panel of our Committee for consideration on November 7, 1979. I am in receipt of a copy of a letter of Dorothy Cele dated June 5, 1980 directed to the Administrative Director of the Courts and a reading of this letter will indicate the reason as to why no subsequent hearing has been scheduled.

The matter was originally submitted as a request for arbitration by Dorothy Cele. On May 31, 1979 Dorothy Cele filed with this Committee a request for arbitration of a fee dispute against Horowitz, Bross & Sinins arising out

Appendix M

of their representation of Mrs. Cele in an automobile negligence case (Cele vs. Johnson). On June 4, 1979 the complainant supplemented her written statement of facts by an additional 15-page letter. On June 16, 1979 the complainant supplemented the request with numerous documents and a letter to the Committee. On June 25, 1979 the plaintiff requested that the matter be referred to the Essex County Committee for unethical and Unprofessional Conduct and advised this Committee that she proposed to institute a civil action against the firm of Horowitz, Bross & Sinins and Alfred R. Kinney for malpractice in

Appendix M

connection with her suit (Cele vs. Johnson). On June 27, 1979 this Committee received a letter from the firm of Horowitz, Bross & Sinins stating that they had received a check in settlement of the case of Cele vs. Johnson in the amount of $35,000.00 and that Mrs. Cele, Alfred R. Kinney and the firm of Horowitz, Bross and Sinins had agreed as follows:

1. Dorothy Cele was to endorse the draft in the amount of $35,000.00 and the said draft was to be deposited in the trustee account of Horowitz, Bross & Sinins.

2. Upon clearance of this draft,

Appendix M

Mrs. Cele would be issued a check from the trustee account of Horowitz, Bross & Sinins in the amount of $24,886.06, Horowitz, Bross & Sinins would be issued a check in the amount of $8,903.94 representing a fee in the amount of $8,698.69 and disbursements in the amount of $205.25. Alfred R. Kinney for services rendered would be entitled to a fee to be agreed upon, it being understood that Mr. Kinney would become a party to the District Fee Arbitration Committee proceedings and further that if the District Fee Arbitration Committee ruled

Appendix M

that the total fee withheld for attorney's fees in the amount of $8,698.69 was excessive, the firm would refund the difference to Mrs. Cele who agreed to be bound by the terms thereof.

On July 10, 1979 this Committee a response from Alfred R. Kinney setting forth that he had initially represented Mrs. Cele in the case of Cele v. Johnson, that Mrs. Cele had signed a retainer agreement and that at her request he forwarded the papers and agreed to the substitution of Horowitz, Bross & Sinins as attorneys in the proceeding.

On August 16, 1979 this Committee

received a response from Horowitz, Bross & Sinins setting forth that they had been engaged as substituted attorneys in lieu of Alfred R. Kinney to represent Mrs. Cele in the negligence action, that after being so substituted they entered into settlement negotiations and were eventually successful in settling Mrs. Cele's case in the amount of $35,000.00. A copy of the retaining agreement was annexed.

On August 23, 1979, following notification to this Committee, Mrs. Cele filed a complaint in the Superior Court of New Jersey against Alfred R. Kinney and Horowitz, Bross & Sinins in

Appendix N

connection with their representation of her in the case of Cele vs. Johnson. In the complaint so filed the complainant charged that both Alfred R. Kinney and Horowitz, Bross & Sinins failed to represent her properly in the proceedings, alleging 26 various act which she characterizes as being unprofessional, unreasonable and neglectful. The complaint was prepared by Mrs. Cele pro se and it is difficult to summarize the charges of the complaint.

On November 7, 1979 the matter was referred to a fee arbitration panel

for hearing and a notice in connection with the matter was mailed to the interested parties. At that time there were delivered to the Committee boxes containing the pleadings and letters of Mrs. Cele. On November 27, 1979 Mrs. Cele served upon the panel various additional papers which became part of the file. On November 30, 1979 an order was entered in the Superior Court of New Jersey filed by Judge Paul B. Thompson allowing the plaintiff to amend the complaint filed in the proceedings against Horowitz, Bross & Sinins and Alfred K. Kinney and on November 30, 1979 the amended complaints were so served. On December 18, 1979

Appendix M

the defendant, Alfred R. Kinney, filed an answer to the amended complaint and also filed a demand for trial by jury. Various pleadings are still being filed in the matter. Attached to the file copy of this letter are copies of the Complaint and Amended Complaints consisting of a total of 67 paragraphs and six counts.

Several hearings were scheduled by the Fee Arbitration Panel in connection with this matter, all of which were adjourned at the request of one or more of the parties involved. However, upon receipt of

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the various pleadings in the Superior Court proceedings, the panel sought to determine whether it was desirable to conduct a hearing in connection with the reasonableness of the fee in light of continuation of the Superior Court Case involving charges of malpractice against the attorneys who represented Mrs. Cele in the utomobile negligence case which gave rise to the proceedings. Judge Thompson, through his secretary, advised the panel that he proposed to continue the proceedings before him.

As a result, the law suit involves substantial legal questions in addition

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it is asserted by Dorothy Cele in her papers to this Committee that no fee is due the attorneys in view of their improper representation of her. As stated, it is clear that the primary issues in dispute between the parties raise substantial legal questions in addition to the basic. Under the appropriate rules of the New Jersey Supreme Court, specifically Rule 1:20A-2 this Committee may decline arbitration of disputes "where the primary issues in dispute raise substantial legal questions in addition to the basic fee dispute." Additionally, an attempt by this committee to resolve the fee

dispute, if this aspect could be separated and isolated, could result in an award to a judgment eventually entered in the pending law suit. Such contrary results would only lead to further protracted and expensive litigation.

It is, therefore, the determination of this Committee that the within involving issues of a substantial legal nature, in addition to the basic fee dispute, should not be heard by this Committee The appropriate forum to properly and finally dispose of all issues between the parties is the court which Dorothy Cele invoked. The Complaint

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is dismissed. All papers of either party in the possession of this Committee will be returned upon request.

Respectfully Submitted,
Roger H. McGlynn,
Chairman, District Fee
Arbitration Committee

RHM:adg

cc: Joseph A. Bottitta, Esq.
(with attachments)

Appendix N

20 South 36th Street (707) Phila.
Penna. 19104 Richard L. Bland, Jr.
Esq., Sec. District Ethics Committee
26 Clinton Street Newark, N.J. 07102
Re: V-1980-62E

July 31, 1980

Dear Mr. Bland,

Thank you kindly. Kindly be advised that I wish to withdraw the complaint submitted April 15, 1980 regarding Alfred R. Kinney, Esq. I have since read new information which explains the proper procedure in the entire matter.

Thank you. Best regards.

Sincerely,

Mrs. Dorothy Cele

Received
Central Ethics August 28, 1981
Administrative Office of the Courts

Appendix O

Supreme Court of New Jersey District Ethics Committee For Essex County District V Mrs. Dorothy Cele 20 South 36th Street (707) Phila. Penna. 19104
Re: V-1980-62E

October 9, 1980

Dear Mrs. Cele:

Please be advised that the above captioned matter has been considered withdrawn and we are closing our files.

Very truly yours,
Richard L. Bland, Jr.,

RLB/dab
enclosures
cc: Alfred R. Kinney, Esq.
Central Ethics

Received
Central Ethics August 28, 1981
Administrative Office of the Courts

Appendix P

Know all men by these Presents: that Dorothy Cele hereinafter designated as the Releasor, for and in consideration of the sum of ($250.) dollars lawful money of the United States of America, to the Releasor in hand paid by Alfred R. Kinney hereinafter etc. etc. etc. more particularly for any and all claims which are the subject matter of the lawsuit docketed in the Superior Court of New Jersey, Law Division, Essex County. The name of the lawsuit is Dorothy Cele vs. Alfred R. Kinney, Esq. and Horowitz, Bross & Sinins bearing Docket Number L -64596-78.

unsigned

Dorothy Cele

Appendix Q

Richard L. Bland, Jr., Esq. Secretary
District Ethics Committee Essex County
District V 26 Clinton St. Newark, N.J.
0710:

February 21, 1982
Mailgram

Dear Mr. Bland,

This mailgram is to request of the Dist. Ethics Comm. Office acknowledgement as required by regulation of the Supreme Court of New Jersey of the Certified mail listed below:

1. CMRRR 718185 8/18/81 notarized letter of complaint
2. CMRRR 612687 9/21/81 Letter
3. CMRRR 722747 11/4/81 Letter
4. CMRRR 718527 1/20/82 Statement of case- Letter of Complaint dated 8/8/81.

Appendix Q

5. Letter dated 1/25/82 statement copies of certified return receipts in certification of mailing to the District Ethics Commmittee Office and all counsel of record regarding Alfred R. Kinney, Esq. and Horowitz, Bross & Sinins 64596-78 V1980-57F V1980-62E..

Thank you. Best regards.

Sincerely,

Mrs. Dorothy Cele

cc: Robert D. Lipscher, Admin. Dir.

Richard J. Englehardt, Esq.

Staff Attorney

Appendix R

Administrative Office of the Courts
State of New Jersey Robert D. Lipscher
Administrative Director of the Courts
CN-037 Trenton, New Jersey 08625
Re: Cele v. Alfred R. Kinney, Esq. and
Horowitz, Bross & Sinins

July 15, 1982

Dear Mrs. Dorothy Cele,

On behalf of Administrative Director Robert D. Lipscher I acknowledge receipt of your several letters all dated June June 14, 1982. Specifically it appears that you are alleging that Richard Bland and Harold Rubenstein fraudulently filed with the Administrative Office of the Courts on August 28, 1981 your letter to Mr. Bland dated July 31, 1980

withdrawing your your ethics complaint against the above attorneys and Mr. Bland's letter of October 9, 1980 to you accepting that withdrawal. Unless your signature on the letter of July 31, 1980 is false, fraudulent, fititious or otherwis lacking in genuiness, it would appear that your complaint is misplaced.

Without begging the issue it appears that you clearly desire to file an ethics complaint against Messrs. Kinney, Horowitz, Bross and Sinins. Please be advised that you are free to do so. If you withdrew the complaint against them in 1980, you can now reinstitute

the complaint provided that all collateral litigation has been concluded. No one is trying to stop you from filing an ethics complaint with the District V Ethics Committee. Please be guided accordingly.

Very truly yours,

David E. Johnson, Jr.
Chief Ethics and
Professional Services

Appendix S

20 South 36th St.(707)
Phila. Penna. 19104

Daniel F. O'Connell, Esq. District VII
Ethics Committee Office Supreme Court
of New Jersey 150 Finley Avenue Box 407
Baskingridge, New Jersey 07920

July 19, 1982

Dear Mr. O'Connell,

This letter is to kindly request information as to how to file an ethics complaint in Mercer County.

Thank you. Best Regards.

Sincerely,
Mrs. Dorothy Cele

Appendix T

Supreme Court of New Jersey District Ethics Committee for Hunterdon, Mercer and Somerset Counties District VII

PRIVATE AND CONFIDENTIAL
Mrs. Dorothy Cele Divine Tracy Hotel
20 South 36th St. (707) Phila. Penna.
19104

August 6, 1982

Dear Mrs. Cele,

In response to your letter of July 19, 1982, if you have a complaint concerning representation by a lawyer located in either Mercer, Hunterdon or Somerset Counties, you should outline, in a to me, the specific complaint that you have concerning the lawyer's representation. In addition, you

Appendix T

should name the lawyer, giving his address and telephone number so that I can assign the matter out for investigation. Upon receipt of such a complaint a member of our Committee will interview you and the attorney involved to determine whether there is evidence of unethical or unprofessional conduct. A report will be issued and a formal hearing held. If you have any further questions concerning the procedure of our Committee, please call my office directly.

Very truly yours,
Daniel F. O'Connell, Esq.
Secretary

DFOC: ee
cc: John J. Trombadore, Esq.
w/copy of letter

Appendix U

Supreme Court of New Jersey District Et Ethics Committee For Hunterdon, Mercer and Somerset Counties District VII

PRIVATE AND CONFIDENTIAL

Colette A. Coolbaugh, Esq. Assistant Director Ethics & Professional Services

Administrative Office of the Courts

State Office Building Taylor Place & Capitol Street CN 037 Trenton, NJ 08625

Re: Cele v. David E. Johnson, Jr., Esq.

November 5, 1982

Dear Mrs. Coolbaugh,

I am enclosing herewith a complaint filed with my office by Mrs. Dorothy Cele, which has been filed against David E. Johnson, Jr., Esq., Chief Administrative Office of the Courts

Appendix U

Because of our working relationship with Mr. Johnson, I do not feel that it is appropriate that our committee, the District VII Ethics Committee, conduct the investigation in this case.

I would appreciate your referring this matter to the appropriate investigating party, and advising both myself and Mrs. Cele of the disposition of this matter.

The following items are included with this letter.

1. Letter from Dorothy Cele to Daniel F. O'Connell dated July 19, 1982.

Appendix U

2. Letter from Daniel F. O'Connell to Mrs. Dorothy Cele dated August 6, 1982.

3. Letter from Dorothy Cele to Daniel F. O'Connell, dated August 31, 1982, together with envelope sent certified mail.

4. Letter dated October 7, 1982 from Dorothy Cele to Daniel F. O'Connell, together with appropriate envelope.

5. Letter dated August 31, 1982, sworn to November 1, 1982, received November 4, 1982, from Dorothy Cele to Daniel F. O'Connell.

6. Letter dated November 1, 1982,

Appendix U

received November 5, 1982, from Dorothy Cele to Daniel F. O'Connell, which letter contains three copies, which has attached to it a telegram dated November 2, 1982 from Dorothy Cele to Daniel F. O'Connell.

Thanking you for your cooperation in this matter.

Very truly yours,
Daniel F. O'Connell

DFO
Enclosures
cc: John J. Trombadore, Chairman
Mrs. Dorothy Cele

Appendix V

Administrative Office of the Courts
State of New Jersey Robert D. Lipscher
Administrative Director of the Courts
CN-037 Trenton, New Jersey 08625

Re: Cele v. Alfred R. Kinney, Esq. and Horowitz, Bross & Sinins

November 29, 1982

Dear Mrs. Cele,

Your recent letter of August 31, 1982 to Daniel F. O'Connell, Esq., Secretary of the District VII Ethics Committee, concerning the advice given to you by David E. Johnson, Jr., Esq. has been referred to me for handling since Mr. Johnson is a state employee and not

Appendix V

engaged in the private practice of law. I have reviewed your ethics files in the in the matter of Cele v. Alfred R. Kinney and Horowitz, Bross and Sinins Attached is Mr Johnson's letter to you dated July 15, 1982. This letter correctly and appropriately advises you of the facts of your case and the procedure to be followed. You have withdrawn your ethics complaint previously.

You are at liberty, if you desire to reinstate that complaint by filing a detailed letter with Mr. Harold Rubenstein secretary of the

Appendix V

District Ethics Committee, specially setting forth your allegations of unethical or unprofessional conduct. You have made broad and to thispoint totally unsubstantiated allegations of fraud, by Mr. Johnson, by Mr.Rubenstein by Mr. Bland and others. You have submitted no proof whatsoever to substantiate such allegations. Therefore, no action is warrented and those matters are at a close.

Very truly yours,
Colette A. Coolbaugh
Assistant Director
Ethics and Professional
Services

CAC/bk
encs.

Appendix W

Robert D. Lipscher, Administrative
Director of the Courts CN 037
Administrative Office of the Courts
Richard J. Hughes Justice Complex
Trenton, New Jersey 08625

Re: Cele v. Alfred R. Kinney, Esq.
and Horowitz, Bross & Sinins

February 9, 1983

Dear Mr. Lipscher,

David E. Johnson, Jr. Esq. and Colette A. Coolbaugh, Esq. (and others as named in the enclosure) claim to be representative of you. Utter untruth.

The greater the man the finer and kinder he is.

Best regards.

Sincerely,
Mrs. Dorothy Cele

cc: U.S. Clerk
Enc. Certiorari

END OF DOCKET